



## **Questions & Answers on the NOAA Fisheries Service Request for Comment on Vessel Regulations for Southern Resident Killer Whales**

(March 2007)

### **Q. What action is NOAA Fisheries Service taking for killer whales?**

A. NOAA Fisheries Service announced that it is opening a public comment period on potential regulations to protect killer whales in Washington State from the effects of various vessel activities.

### **Q. Why is the agency asking for this public comment?**

A. NOAA Fisheries Service [listed the Southern Resident killer whales as endangered](#) under the Endangered Species (ESA) on Nov. 18, 2005. The agency identified vessel effects as a potential contributing factor in the population's decline. The [proposed recovery plan](#) for Southern Resident killer whales includes as a management action the evaluation of current vessel guidelines and the need for regulations and/or protected areas.

### **Q. What has NOAA done so far to protect Southern Resident killer whales from vessel activities?**

A. There are [voluntary Be Whale Wise guidelines](#) intended to protect whales from harassment. NOAA supports the Soundwatch program, an on-water stewardship and monitoring group, to promote the *Be Whale Wise* guidelines and monitor vessel activities in the vicinity of whales. Despite guidelines, outreach efforts, and legal protections under both the Endangered Species and Marine Mammal Protection Acts, interactions between vessels and killer whales continue to occur in the waters of Puget Sound and the Georgia Basin.

### **Q. Will this action affect whale watching this summer?**

A. No. Formal rulemaking takes time. Gathering information during this public comment period is the first step in evaluating the need for management actions in addition to the current guidelines. Any regulations that are proposed will go through a public review process before becoming final. In the meantime, we encourage all vessel operators to follow the *Be Whale Wise* guidelines.

### **Q. Has NOAA regulated vessel activities near whales in other areas?**

A. Yes. The agency has regulated close vessel approaches to humpback whales in Hawaii, and Alaska and right whales in the North Atlantic.

### **Q. Does NOAA want comments only on whale-watching vessels?**

A. No. The agency is interested in comments on all types of vessel activities.

**Q. What kinds of information is NOAA looking for?**

A. NOAA Fisheries Service is requesting information and comments on whether -- and if so, what type of -- conservation measures, regulations, or other measures would be appropriate to protect killer whales in Washington. This includes:

- advisability of and need for regulations
- geographic scope of regulations
- management options for regulating vessel interactions with killer whales
- scientific and commercial information about the effects of vessels on killer whales and their habitat
- information on potential economic effects of regulating vessel interactions
- any other relevant information that the agency should consider if it undertakes rulemaking.

**Q. How can I provide information and comment on vessel effects?**

A. You may submit comments by any of the following methods:

- E-mail: [orca.plan@noaa.gov](mailto:orca.plan@noaa.gov)
- Federal e-rulemaking portal: <http://www.regulations.gov>
- Mail: Assistant Regional Administrator, Protected Resources Division, Northwest Regional Office, National Marine Fisheries Service, 7600 Sand Point Way NE, Seattle, WA 98115.

**Q. Will there be public meetings during this comment period?**

A. Yes. NOAA Fisheries Service will hold two public meetings:

- April 18, 2007, 2-4 p.m. in the Grange Hall, Friday Harbor, Wash.
- April 19, 2007, 7-9 p.m. at the Seattle Aquarium, Seattle, Wash.

These meetings will be designed in an open house format. They'll provide people with an opportunity to listen to a general presentation and meet with NOAA Fisheries Service staff to learn more about the ESA, MMPA and options for developing regulations to implement them. These open houses will also provide opportunities for interested parties to make formal recorded comments about possible vessel regulations. The preferred means of providing such comment for the official record is via written testimony prepared in advance.

**Q. How can I get more information about the public comment period?**

A. See the [Federal Register notice](#) for details.

**Q. When are comments due?**

A. The comment closing date is June 20 at 5 p.m. Pacific time.